

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL SCHECK,	:	Case No. 06-CV-1761
Petitioner,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
JULIUS WILSON, WARDEN,	:	<u>MEMORANDUM & ORDER</u>
Respondent.	:	

This case arises on remand from the United States Court of Appeals for the Sixth Circuit. (Doc. 18.) On August 11, 2009, this Court issued a Memorandum & Order (Doc. 14) and a Judgment Entry (Doc. 15) dismissing Petitioner Michael Scheck's ("Scheck") petition for a writ of habeas corpus. Scheck timely appealed, and, on November 17, 2009, the Sixth Circuit issued an Order stating that it was holding the appeal in abeyance and remanding for the sole purpose of allowing this Court to determine whether to grant a certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure.

As instructed, the Court has analyzed the issues raised by Scheck in his habeas petition and resolved by the Court in its August 11, 2009 opinion. (Doc. 14.) Upon full consideration of Scheck's arguments and the Court's analysis, the Court finds that Scheck did not make "a substantial showing of the denial of a constitutional right" with respect to any of his claims in his petition. 28 U.S.C. § 2253(c)(2). Accordingly, the Court will not issue a certificate of appealability.

Additionally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: January 5, 2010

**s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE**